



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.054

TITLE:

**ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS-OF-WAY USE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND TW TELECOM OF NEW JERSEY L.P. TO PERMIT THE INSTALLATION OF FIBER OPTIC CABLING IN EXISTING UNDERGOUNUD CONDUIT AND/OR ON EXISTING UTILITY POLES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES**

WHEREAS, tw telecom of new jersey l.p. ("TWTC"), 10475 Park Meadows Drive, Littleton, Colorado, 80124, is a telecommunications carrier authorized to provide services such as dark-fiber connectivity and high speed data transmission by the New Jersey Board of Public Utilities ("BPU") and the Federal Communications Commission ("FCC"); and

WHEREAS, TWTC has requested that the City of Jersey City ("City") grant it permission to run fiber optic cabling through existing innerducts located in existing underground conduits and/or on existing poles in the public rights-of-way for the purpose of installing, operating, repairing and maintaining a telecommunications system ("Project"); and

WHEREAS, TWTC agrees to execute the forty (40) year Rights-of-Way Use Agreement that is attached hereto; and

WHEREAS, TWTC agrees to pay the City the sum of \$750.00 to cover the administrative expenses incurred by the City for engineering and legal review of TWTC's Project; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for public utility lines in its public rights-of-way; and

WHEREAS, it is deemed to be in the best interest of the City and its citizens, particularly, the commercial industrial citizens, for the City to grant consent to TWTC to use the public rights-of-way within the City; and

WHEREAS, the granting of such consent is conditioned upon TWTC's compliance with all existing City Ordinances and its execution of the attached Rights-of-Way Use Agreement; and

WHEREAS, TWTC agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the installation, operation, repair, and maintenance of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JERSEY CITY THAT:**

1. Non-exclusive consent is hereby granted to TWTC to use certain public rights-of-way within the City for the purpose of installation, operation, repair, and maintenance of a telecommunications system for a period of forty (40) years, subject to the mutual covenants and obligations as set forth in the Rights-of-Way Use Agreement attached hereto;

2. The within granted permission is conditioned upon TWTC's executing the Rights-of-Way Use Agreement attached hereto and providing liability and property damage insurance; and
  3. The Mayor or Business Administrator is authorized to execute the attached Rights-of-Way Use Agreement.
- 
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
  - B. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
  - C. This ordinance shall take effect at the time and in the manner as provided by law.
  - D. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: New matter is underlined.

For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

RR

5-5-14

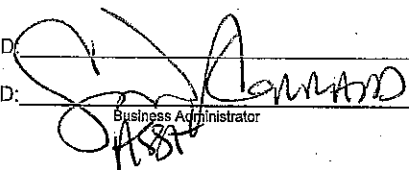
APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

Certification Required ☐  
Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

  
\_\_\_\_\_  
Business Administrator

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 14.054

TITLE: 3.A MAY 28 2014 4.A JUN 11 2014

Ordinance authorizing the execution of a right-of-way use agreement between the City of Jersey City and TW Telecom of New Jersey, L.P. to permit the installation of fiber optic cabling in existing underground conduit and/or on existing utility poles within certain public rights-of-way for purposes of providing telecommunication services.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">MAY 28 2014 8-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	ABSENT			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">JUN 11 2014 8-0</span>											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>RAMCHAL</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">JUN 11 2014 8-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAY 28 2014

Adopted on second and final reading after hearing on JUN 11 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 11 2014

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JUN 11 2014

APPROVED:

Steven M. Fulop, Mayor

Date JUN 12 2014

Date to Mayor

City Clerk File No. Ord. 14.060

Agenda No. 3.B 1st Reading

Agenda No. 4.B. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.060

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF  
JERSEY CITY ADOPTING AMENDMENTS TO THE MCGINLEY  
SQUARE EAST REDEVELOPMENT PLAN TO REQUIRE A BONUS FEE  
FOR FLOOR AREA ABOVE 8 STORIES**

**WHEREAS**, the Municipal Council of the City of Jersey City adopted the McGinley Square East Redevelopment Plan at its meeting of October 12, 2011, by Ordinance 11-089; and

**WHEREAS**, the Municipal Council seeks to generate funds for the improvement of public amenities within the redevelopment plan area; and

**WHEREAS**, the following amendments to the McGinley Square East Redevelopment Plan have been reviewed by the Jersey City Planning Board at its meeting of May 20, 2014; and

**WHEREAS**, the Planning Board voted favorably to recommend adoption of these amendments by the Municipal Council; and

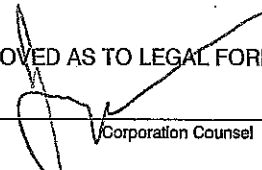
**WHEREAS**, a copy of the amended text is attached hereto and made a part hereof, and is available for public inspection at the Offices of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ; and

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the attached amendments to the McGinley Square East Redevelopment Plan be, and hereby is, adopted as recommended by the Jersey City Planning Board.

**BE IT FURTHER ORDAINED THAT:**

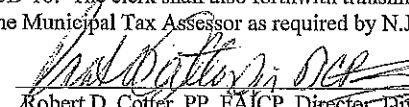
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

Certification Required ☐

Not Required ☐

  
Robert D. Cotter, PP, FAICP, Director, Division of City Planning

APPROVED: 

APPROVED: 

Business Administrator

**ORDINANCE/RESOLUTION FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution/ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution/ordinance.

**Full Title of Ordinance/Resolution**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AMENDMENTS TO THE MCGINLEY SQUARE EAST  
REDEVELOPMENT PLAN TO REQUIRE A BONUS FEE FOR FLOOR AREA  
ABOVE 8 STORIES.**

**Initiator**

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, AICP	Director
	Jeff Wenger, AICP	Principal Planner
Phone/email	201-547-5010	bobbyc@jcnj.org / jeff@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Purpose**

This ordinance amends the McGinley Square East Redevelopment Plan to require within "Zone 1" of the Plan area, a bonus fee of \$5 per gross square foot of building floor area above the 8<sup>th</sup> floor. The fees are to generate funds for the improvement of public amenities within the Redevelopment Plan Area.

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

  
Date

## Summary

### **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MCGINLEY SQUARE EAST REDEVELOPMENT PLAN TO REQUIRE A BONUS FEE FOR FLOOR AREA ABOVE 8 STORIES**

This ordinance amends the McGinley Square East Redevelopment Plan to require within "Zone 1" of the Plan area, a bonus fee of \$5 per gross square foot of building floor area above the 8th floor. The fees are to generate funds for the improvement of public amenities within the Redevelopment Plan Area.

The fees include an escalator clause to increase over time at the rate of the Consumer Price Index. Fees are paid to the City, 50% at time of Planning Board approval, 50% at the time of issuance of Certificate of Occupancy.

# PROPOSED AMENDMENTS TO THE MCGINLEY SQUARE EAST REDEVELOPMENT PLAN

PRESENTED TO THE JERSEY CITY PLANNING BOARD ON MAY 20, 2014

Text that is unchanged is in plain face type like this.

Text that is deleted is in strike-threw ~~like this~~.

Text that is added is in bold like **this**.

Amendments beginning on Page 24:

## XII. SPECIFIC LAND USE REGULATIONS: ZONE 1

The following regulations shall apply to development in Zone 1. Please also refer to Map 2 - Land Use Map and Map 3 - Required Ground Floor Use. **The maximum building height within this zone is 16 stories and 175 feet, however all floor area above the 8th floor is permitted only as a bonus subject to a building height bonus fee as set forth in paragraph E below.**

### A. Principal Permitted Uses:

- 1) Residential Dwelling Units, including Work/Live Units and Work/Live Artist Units.
- 2) Offices, including Medical Offices
- 3) Retail Sales of Goods and Services
- 4) Financial Institutions
- 5) Restaurants, category one and two
- 6) Bars & Night Clubs
- 7) Theaters, Live and Film
- 8) Museums and Art Galleries
- 9) Hotels
- 10) Colleges, Universities, Accredited Schools of Primary and Secondary Education and Accredited Educational and Vocational Training Programs
- 11) Dormitories
- 12) Structured Parking Garage with ground floor commercial (see Section IX.D.4.)  
Structured parking may not front on Bergen Avenue or Montgomery Street.
- 13) Day Care Centers, Child and Adult
- 14) Open Space, Parks and Plazas
- 15) Any combination of the above

### B. Accessory Uses:

- 1) Parking and Loading within principal structures

- 2) District / Area - Wide Cooperative Energy Generation Facilities within a principal structure
  - 3) Improved Open Space, at grade and on rooftops
  - 4) Signs
  - 5) Home Occupations
  - 6) Sidewalk Cafés (Pursuant to City Ordinances).
- C. Prohibited Uses:
- 1) Surface parking, except as an interim use
  - 2) Drive-thru facilities of any type; such as restaurants, banks, pharmacies, etc.
  - 3) Gas stations, service stations, auto repair and similar uses.
- D. Lot Size and Dimension Requirements:
- 1) All existing lots at the time of adoption of this plan are conforming lots.
  - 2) Subdivisions must conform to the following minimum standards:
    - (i) Minimum lot area: 5,000 square feet.
    - (ii) Minimum lot width: 50 feet.
    - (iii) Minimum lot depth: 100 feet.
    - (iv) Maximum shape factor: 30
- E. Density and Height Requirements:
- 1) Density is not regulated by floor area ratio or units per acre. Instead, a "building envelope" is defined, depending on the size and shape of the site. Minimum room and unit sizes are regulated by building code. Buildings on lots of less than 30 x 100 feet or 3,000 square feet shall be limited to not more than one dwelling unit per floor.
  - 2) **Building Height Bonus Fee: all floor area above the 8th floor is permitted only as a bonus subject to a fee of \$5 per gross square foot of floor area. In order to address cost increases over time, this bonus fee shall increase annually by the published percentage of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) all items index for the North Eastern United States (New York - Northern New Jersey-Long Island, NY-NJ-CT-PA), using the standard reference base, compounded each year, with the first increase applying to site plan applications filed in the year 2015. This fee shall be paid by the developer to the City in two (2) installments: (1) fifty percent (50%) of the fee shall be paid upon a final non-appealable site plan approval granted by the City of Jersey City Planning Board, and (2) the remaining fifty percent (50%) of the fee shall be paid prior to the issuance of the first final certificate of occupancy. These contributions shall be specifically earmarked for the construction or improvements of sidewalks, open space, or plaza areas within the Redevelopment Plan area.**



# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 14.060

TITLE: 3.B MAY 28 2014 4.B

JUN 11 2014

Ordinance of the Municipal Council of the City of Jersey  
City adopting amendments to the McGinley Square East  
Redevelopment Plan to require a bonus fee for floor area  
above 8 stories.

RECORD OF COUNCIL VOTE ON INTRODUCTION MAY 28 2014 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	ABSENT			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JUN 11 2014 7-0											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABSENT		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

YVONNE BALZER  
JAYSON BURG  
KARA ARABOSKY

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JUN 11 2014 7-0-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	ABSTAIN			COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAY 28 2014

Adopted on second and final reading after hearing on JUN 11 2014

This is to certify that the foregoing Ordinance was adopted by  
the Municipal Council at its meeting on JUN 11 2014

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JUN 11 2014

APPROVED:

Steven M. Fulop, Mayor

Date JUN 12 2014

JUN 12 2014

Date to Mayor:

City Clerk File No. Ord. 14.061

Agenda No. 3.C 1st Reading

Agenda No. 4.C 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.061

**TITLE:** AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AMENDING SECTION 332-22 (NO PARKING ANY TIME) DESIGNATING A SECTION ON THE SOUTH SIDE OF PAVONIA AVENUE, EAST OF KENNEDY BOULEVARD, AS NO PARKING ANY TIME AND AMENDING SECTION 332-23 (NO STOPPING OR STANDING) REPEALING A SECTION ON THE SOUTH SIDE OF PAVONIA AVENUE, EAST OF KENNEDY BOULEVARD AS NO STOPPING OR STANDING

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article III (No stopping or standing) of the Jersey City Code is hereby supplemented as follows:

**Section 332-22 NO PARKING ANY TIME**

No person shall park a vehicle at any time upon any of the street, or parts thereof, listed below.

Name of Street	Side	Limits
<u>Pavonia Av</u>	<u>South</u>	<u>52 feet east of Kennedy Blvd to 92 feet east</u>

**Section 332-23 NO STOPPING OR STANDING**

No person shall stop or stand a vehicle upon any of the streets or parts thereof listed below.

Name of Street	Side	Limits
Pavonia Av	<u>[Both</u>	<u>Kennedy Blvd 150 feet east of Summit Av]</u>
	<u>North</u>	<u>Kennedy Blvd to 150 east of Summit Av</u>
	<u>South</u>	<u>Kennedy Boulevard to 52 feet east</u>
	<u>South</u>	<u>144 feet east of Kennedy Blvd to 150 feet east of Summit Av</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All new material to be inserted is underscored; material to be repealed is in [brackets].

JDS:pcl  
(05.07.14)

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED:   
Director of Traffic & Transportation

APPROVED:   
Director,  
Architecture, Engineering, Traffic and Transportation

APPROVED:   
Director, Dept. of Public Works

APPROVED:   
Business Administrator

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance**

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AMENDING SECTION 332-22 (NO PARKING ANY TIME) DESIGNATING A SECTION ON THE SOUTH SIDE OF PAVONIA AVENUE, EAST OF KENNEDY BOULEVARD, AS NO PARKING ANY TIME AND AMENDING SECTION 332-23 (NO STOPPING OR STANDING) REPEALING A SECTION ON THE SOUTH SIDE OF PAVONIA AVENUE, EAST OF KENNEDY BOULEVARD AS NO STOPPING OR STANDING

**Initiator**

Department/Division	Public Works	Architecture, Engineering, Traffic and Transportation
Name/Title	Joao D'Souza at the request of Brian Platt, Aide to the Mayor	Director of Traffic & Transportation
Phone/email	201.547.4470	JOAO@jcnj.org

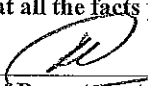
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

Repeal "no stopping or standing" on the south side of Pavonia Avenue beginning 52 feet east of Kennedy Boulevard and extending to a point 92 feet easterly and designate it as "no parking any time."

This area can be used as a pick up and drop off area for individuals going to and from the Port Authority Transportation Center at Journal Square.

I certify that all the facts presented herein are accurate.

  
\_\_\_\_\_  
Signature of Department Director

\_\_\_\_\_  
Date

↑ 2000

McLaughlin Funeral Home - Google Maps

5/7/2014

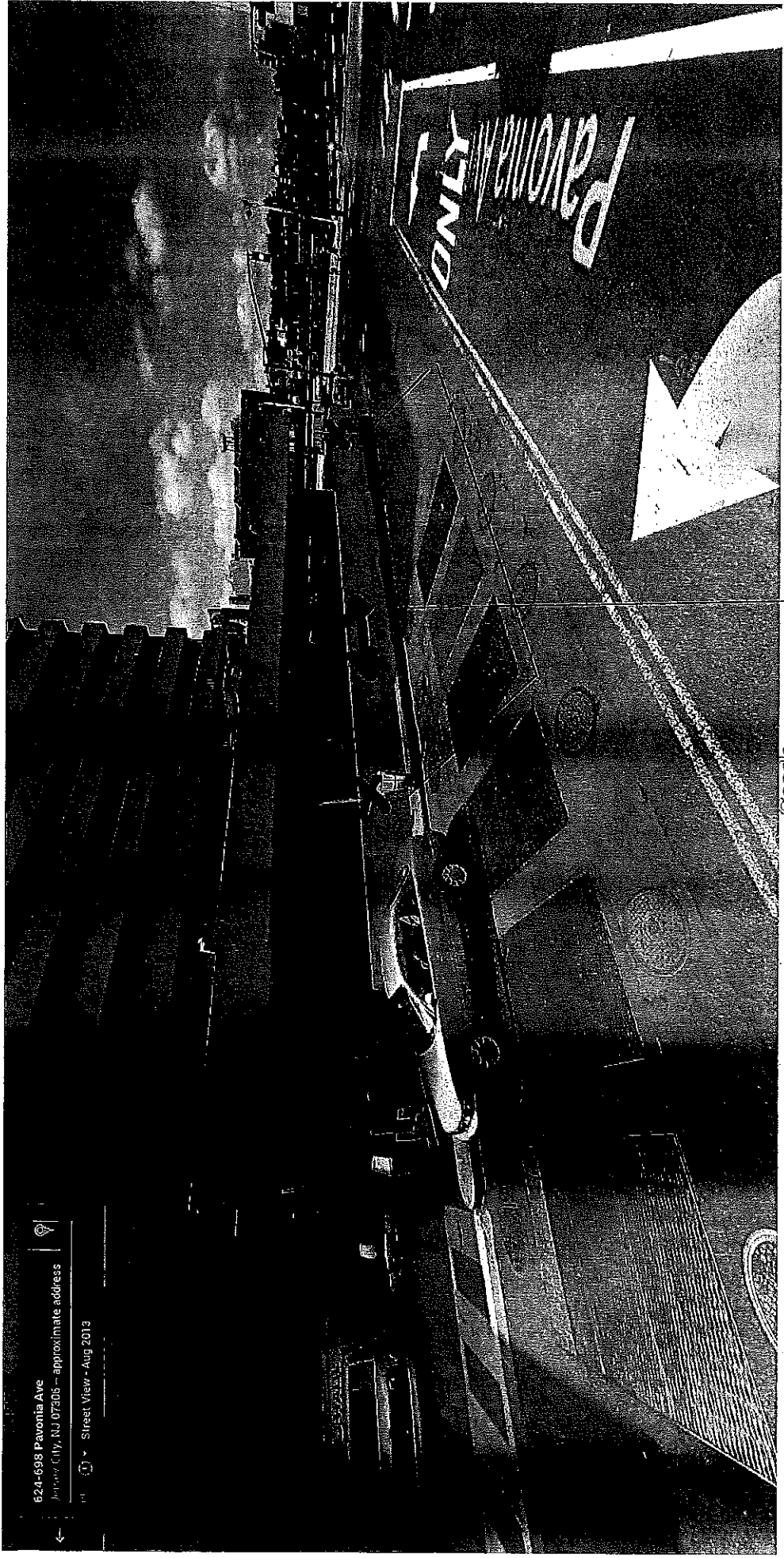


Image capture: Aug 2013 Pavonia Ave ©2014 Google

Google

REPEAL "NO STOP OR STAND"  
DESIGNATE "NO PARKING ANY TIME"



**CITY OF JERSEY CITY**  
**DEPARTMENT OF PUBLIC WORKS**

PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305  
P: 201 547 4402 | F: 201 547 4803



STEVEN M. FULOP  
MAYOR OF JERSEY CITY

MICHAEL E. RAZZOLI  
DIRECTOR

**MEMORANDUM**

**DATE:** May 8, 2014

**TO:** Jeremy Farrell, Corporation Counsel

**FROM:** Patricia Logan, Supervising Traffic Investigator  
Division of Architecture, Engineering, Traffic and Transportation

**SUBJECT:** PROPOSED ORDINANCE – PAVONIA AVENUE

RECEIVED  
2014 MAY 12 AM 9 54  
CITY OF JERSEY CITY  
LAW DEPARTMENT

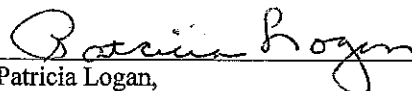
Attached for your review and signature is an Ordinance proposed by this Division, (for Municipal Council approval), at the request of Brian Platt, Aide to the Mayor, supplementing Chapter 332(Vehicles and Traffic)-of the Jersey City Code.

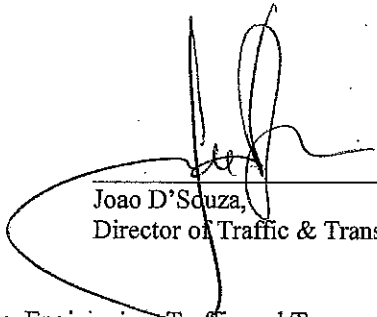
The proposed legislation repeals the “no stopping or standing” prohibition on the south side of Pavonia Avenue beginning 52 feet east of Kennedy Boulevard extending to a point 92 feet easterly and designates it as “no parking any time.” This legislation has been proposed to facilitate dropping off and picking up individuals going to and from the Port Authority Transportation Center at Journal Square.

It is anticipated that this Ordinance will be on the Agenda for the May 28, 2014 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.

  
Patricia Logan,  
Supervising Traffic Investigator

  
Joao D'Souza,  
Director of Traffic & Transportation

C: Stanley Huang, P.E., Municipal Engineer  
Brian Weller, L.L.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation  
Muhammed Akil, Chief of Staff  
Brian Platt, Aide to the Mayor  
Robert Kakoleski, Business Administrator  
Robert Byrne, City Clerk

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 14.061

TITLE: 3.C MAY 28 2014 4.C

JUN 11 2014

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article III (Parking, Standing and Stopping) amending Section 332-22 (No Parking Any Time) designating a section on the south side of Pavonia Avenue, east of Kennedy Boulevard, as No Parking Any Time and amending Section 332-23 (No Stopping or Standing) repealing a section on the south side of Pavonia Avenue, east of Kennedy Boulevard as No Stopping or Standing.

RECORD OF COUNCIL VOTE ON INTRODUCTION MAY 28 2014 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	ABSENT			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JUN 11 2014 7-0											
Councilperson <u>LAVARRO</u> moved, seconded by Councilperson <u>BOGGIANO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson moved to amend* Ordinance, seconded by Councilperson & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JUN 11 2014 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAY 28 2014

Adopted on second and final reading after hearing on JUN 11 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 11 2014

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JUN 11 2014

APPROVED:

Steven M. Fulop, Mayor

Date JUN 12 2014

Date to Mayor

JUN 12 2014

City Clerk File No. Ord. 14.062

Agenda No. 3.D 1st Reading

Agenda No. 4.D 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.062

**TITLE:**

**AN ORDINANCE GRANTING PERMISSION TO 148 FIRST STREET URBAN RENEWAL, LLC, ITS SUCCESSORS AND/OR ASSIGNS, AND 160 FIRST STREET URBAN RENEWAL, LLC, ITS SUCCESSORS AND/OR ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY OF FIRST STREET ADJACENT TO THE PROPERTY LOCATED AT 148-154 FIRST STREET AND 162-170 FIRST STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 11502, LOTS 5.03, 9, 10 AND 11**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, 148 First Street Urban Renewal, LLC, having offices located 155 Second Street, Jersey City, New Jersey 07302, is the owner of the property located at 148-154 First Street, and known as Block 11502, Lot 5.03 (formerly known as Lots 7, 8 and 5.02) on the current tax maps of the City of Jersey City ("148 Property"); and

**WHEREAS**, 160 First Street Urban Renewal, LLC, having offices located at 155 Second Street, Jersey City, New Jersey, 07302, is the owner of the property located at 162-170 First Street, Jersey City, New Jersey, and known as Block 11502, Lots 9, 10 and 11 on the current tax maps of the City of Jersey City ("160 Property") (the "148 Property" and "160 Property" are collectively referred to herein as the "Properties"); and

**WHEREAS**, 148 First Street Urban Renewal, LLC and 160 First Street Urban Renewal, LLC are hereinafter collectively referred to as the Petitioners; and

**WHEREAS**, pursuant to a Resolution for the Preliminary and Final Site Plan Approval, Case #P12-029, the Planning Board granted approval to develop the 148 Property with a twelve (12) story mixed use building with up to one hundred twenty (120) residential units with ground floor retail/restaurant/gallery space (Exhibit A); and

**WHEREAS**, the development of the 148 Property is currently under construction; and

**WHEREAS**, the development of the 148 Property does not provide for on-site parking; and

**WHEREAS**, pursuant to a resolution for Preliminary and Final Site Plan approval, Case P14-004, the Planning Board granted approval to develop the 160 Property with a mixed use building with up to 159 residential units with ground floor retail/restaurant/gallery (Exhibit B); and

**WHEREAS**, the Petitioners are proposing to create two (2) franchise areas adjacent to the 148 Property and the 160 Property; and

**WHEREAS**, the franchise area directly adjacent to the 148 Property shall consist of 2,847 square feet (.0654 acres) and identified as the 148 Franchise Area. (See Exhibits C and D); and

**WHEREAS**, the franchise area directly adjacent to the 160 Property shall consist of 3,889 square feet (.0893 acres) and identified as the 160 Franchise Area (See Exhibits C and E); and

**WHEREAS**, the Petitioners are proposing the installation and maintenance of up to twelve (12) electric charging stations (up to 6 in each franchise area) and any necessary utility connections for use by electric or plug-in hybrid vehicles within the First Street right-of-way adjacent to 148 Property and 160 Property; and

**WHEREAS**, the Petitioners, collectively or independently, shall be constructing any and all improvements necessary for the installation and operation of the electric charging stations; and

**WHEREAS**, the Petitioners, collectively or independently, are proposing to provide for electric vehicles to be parked and used within the franchise areas, through private ownership of the electric vehicles, or through a "zip" car or similar vehicle providing service; and

**WHEREAS**, the electric charging stations will be accessible from up to twenty-one (21) on-street parking spaces (10 spaces in the 148 Franchise Area and 11 spaces in the 160 Franchise Area), which will provide for exclusive parking for electric or plug-in hybrid vehicles; and

**WHEREAS**, this portion of First Street is a one way street going east and there is adequate cart way within the right-of-way to provide the proposed angled parking and vehicular traffic; and

**WHEREAS**, the proposed electric charging stations would be the first public charging stations for electric or plug-in hybrid vehicles within the City of Jersey City, and would promote the use of clean energy and environmentally efficient vehicles within the City of Jersey City; and

**WHEREAS**, the parking spaces will be available to the general public, for the parking and charging of electric and plug-in hybrid vehicles, as well as to the electric and plug-in hybrid vehicles otherwise provided by the Petitioners, and subject to parking regulations to be established by the City of Jersey City; and

**WHEREAS**, the proposed electric charging stations will greatly benefit the Powerhouse Arts District Redevelopment Plan area, the Property, and the surrounding area and neighborhood; and

**WHEREAS**, the construction of private improvements to accommodate the electric charging stations and any necessary utility connections within the First Street right-of-way adjacent to the 148 Property and the 160 Property will promote public purposes and utility of the Property; and

**WHEREAS**, the Petitioners have provided a proposed Franchise Area Plan (Exhibit C); a metes and bounds description of the areas (Exhibits D and E); and a rendering of the proposed electric charging stations (Exhibit F); and

**WHEREAS**, the Petitioners are required to file the Petition for a Franchise Ordinance to place these improvements; and

**WHEREAS**, there will remain sufficient area in the rights-of-way for pedestrian and vehicular use, and the proposed private improvements will not impede or have a negative impact on typical pedestrian or vehicular use; and

**WHEREAS**, 148 First Street Urban Renewal, LLC and 160 First Street Urban Renewal, LLC, have filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests of the development and the general welfare; and

**WHEREAS**, after due notice was given in accordance with law, a public hearing was held on the Petition filed by 148 First Street Urban Renewal, LLC and 160 first Street Urban Renewal, LLC to grant permission to construct private improvements within the public right-of-way for the following purposes:



1. The contemplated improvements will include the construction of up to twelve (12) electric charging stations and any necessary utility connections for electric or plug-in hybrid vehicles within the First Street right-of-way adjacent to the 148 Property and the 160 Property, all of which will promote public purposes and utility of the Properties;
2. All costs and maintenance associated with these improvements will be incurred by the Petitioners, and there being no objections thereto; and

**WHEREAS**, the Jersey City Zoning Officer and Building Department can approve the construction of these improvements at the Properties conditioned upon the Petitioners being granted a franchise ordinance by the City Council of the City of Jersey City; and

**WHEREAS**, a franchise ordinance is required to permit the construction of the private improvements within the public right-of-way; and

**WHEREAS**, by reason of the character of the development of the area within these Properties are situated, the said improvements will enhance public purposes, and the aesthetic and character of the property and greatly benefit Jersey City and the surrounding neighborhood; and

**WHEREAS**, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief.

**NOW, THEREFORE, BE IT ORDAINED**, by the Municipal Council of the City of Jersey City, that:

- I. Permission be, and is hereby granted to 148 First Street Urban Renewal, LLC, its successors and/or assigns, and 160 First Street Urban Renewal, LLC, its successors and/or assigns, collectively or independently, construct and maintain private improvements to a portion of lands located within the First Street public right-of-way adjacent to 148-154 First Street and 162-170 first Street, Jersey City, New Jersey and known as Block 11502, Lots 5.03, (formerly known as Lots 7, 8 and 5.02), 9, 10, and 11, on the current tax maps of the City of Jersey City, said areas being more particularly described on the Franchise Area Plan and the metes and bounds descriptions attached hereto as Exhibits C, D and E respectively.
  1. The contemplated improvements will include the construction of private improvements in the First Street public right-of-way adjacent to the 148 Property and the 160 Property to provide for private improvements to accommodate up to twelve (12) electric charging stations and any necessary utility connections for electric or plug-in hybrid vehicles and which will be accessed through up to twenty-one (21) on street parking spaces within the public right-of-way.
  2. The electric charging stations shall be consistent in design as shown in Exhibit F.
  3. There will remain sufficient area in the right-of-way for pedestrian and vehicular use.
  4. The contemplated improvements will be constructed consistent with the development plans approved by the Jersey City Zoning Officer and Building Department.
  5. All costs and maintenance associated with these improvements will be incurred by the Petitioners.
  6. The contemplated improvements will greatly benefit the Powerhouse Arts District Redevelopment Plan area, the Petitioners' Property, and the surrounding area and neighborhood.

- II. All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. 148 First Street Urban Renewal, LLC, and its successors and/or assigns, and 160 First Street Urban Renewal, LLC, and its successors and/or assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.
- III. This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioners one year prior to the date of cancellation.
- IV. The parking spaces within the Franchise Areas shall be available to the general public for the parking and charging of electric or plug-in hybrid vehicles, as well as to the electric or plug-in hybrid vehicles provided by the Petitioners, and the parking spaces and charging use shall be subject to parking regulations to be established by the City of Jersey City.
- V. Any signage advertising the availability of the charging stations and parking for electric vehicles or plug-in hybrid vehicles shall be reviewed and approved by the Jersey City Division of Planning.
- VI. In the event the Petitioners withdraw from or abandon the providing of electric vehicles or plug-in hybrid vehicles, then this Ordinance shall be deemed terminated and the parking spaces provided for in the Franchise Area(s) shall revert to general public use for all parking.
- VII. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said 148 First Street Urban Renewal, LLC and 160 First Street Urban Renewal.
- VIII. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, 148 First Street Urban Renewal, LLC, its successors and/or assigns, and 160 First Street Urban Renewal, LLC, its successors and/or assigns, hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. 148 First Street Urban Renewal, LLC, its successors and assigns, and 160 First Street Urban Renewal, LLC, its successors and/or assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.
- IX. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioners with the City Clerk. In the event that the Petitioners shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

- X. Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioners have the right to assign or otherwise transfer its rights under this Franchise Ordinance.
- XI. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the Cable Television Act, P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.
- XII. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner provided by law, but not before the Corporation Counsel certifies that the agreement authorized by separate Resolution has been fully executed.
- D. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All new material is underlined. Words in [brackets] are omitted.  
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

Certification Required ☐  
Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Business Administrator

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 14.062

TITLE:

3.D MAY 28 2014 4.D

JUN 11 2014

An ordinance granting permission to 148 First Street Urban Renewal, LLC, its successors and / or assigns, and 160 First Street Urban Renewal, LLC, its successors and/ or assigns to make private improvements in the public right-of-way of First Street adjacent to the property located at 148-154 First Street and 162-170 First Street, Jersey City, New Jersey, also known on the tax maps of the City of Jersey City as Block 11502, Lots 5.03, 9, 10 and 11.

## RECORD OF COUNCIL VOTE ON INTRODUCTION

MAY 28 2014 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	ABSENT			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

## RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING

JUN 11 2014 8-0

Councilperson RIVERA moved, seconded by Councilperson LAVARRO to close P.H.

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

## RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

Councilperson moved to amend\* Ordinance, seconded by Councilperson & adopted

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

## RECORD OF FINAL COUNCIL VOTE

JUN 11 2014 6-2

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO		✓		COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on

MAY 28 2014

Adopted on second and final reading after hearing on

JUN 11 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

JUN 11 2014

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JUN 11 2014

APPROVED:

Steven M. Fulop, Mayor

Date JUN 11 2014

Date to Mayor JUN 12 2014